

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

Alias) Chappell, Leon 236111Full name and prison number
of plaintiff(s)

v.

Judge Tracey McCoy

2007 SEP 26 A 10:20

DEBRA P. PACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICTCIVIL ACTION NO. 2:07CV899-WKW
(To be supplied by Clerk of
U.S. District Court)Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (☒)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO ()
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county) _____

Montgomery, County, Alabama

3. Docket number CR-2003-1732-CC-2003-1419
4. Name of judge to whom case was assigned Tracey McCoy
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) appealed
6. Approximate date of filing lawsuit 9-25-07
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT Perry County Correctional Center

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Montgomery County Alabama Jail Judge Tracey McCoy

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Judge Tracey McCoy Montgomery Alabama
2. Court house
3. _____
4. _____
5. _____
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED "2003" 2004

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Double Jeopardy City Jail
County Jail Montgomery Alabama

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

I was held on bail with Domestic violence at
County Jail after I was release from City of
Montgomery with 180 Days - May 27, 2003 County held
me with same charged Domestic violence and burglary
Criminal mischief but City police arrest me took

GROUND TWO: me Jail were do this other two case

Come in. I was only in court with assault

SUPPORTING FACTS: Montgomery County had no rights to
held me with all 3 charge after I was held
in City Court with assault I had no way to
poss bail because 3 more charged was held on me
and I had to face a Jury with what I
heard Judge Tracy McCoy Tell Court it was

GROUND THREE: Double Jeopardy She Cant Trail
Wilbur Leav Smith in her court room Jury

SUPPORTING FACTS: Found me not guilty but why
D/A Let this case go on in court once they
no it was Double Jeopardy I ask why
my rights was violation, because I had
no pay lawyer I was sentence and release
from City of Montgomery Judge Knight replacement
Judge Massey Thanks.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

County of Montgomery Alabama violation my rights.
held me with 3 charged when one charge I was
held at City of Montgomery as a misdemeanor I had
no rights to face a Jury in Tracy McCoy Court room.

Wilbur Leon Smith
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 9-25-09
(Date)

(Alias) Leon Chappell
Signature of plaintiff(s)

Chappell, Leon A236111 08/26/07 03:40:00 PM

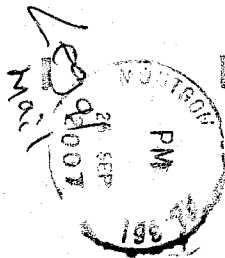
At. 2 Box 176 Hwy 80

Union Town, Alabama 36786

Alpha 3 Box # 53

X
have no
attorney

3610140711-11 B007



U.S. Dist Court

MO, Alabama

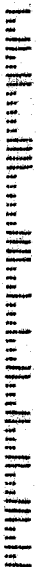
C. DEBRA P. HACKETT

Clerk of Courts

P.O. BOX 711

Montgomery, Alabama

36101-0711



CASE ACTION SUMMARY
MONTGOMERY MUNICIPAL COURT

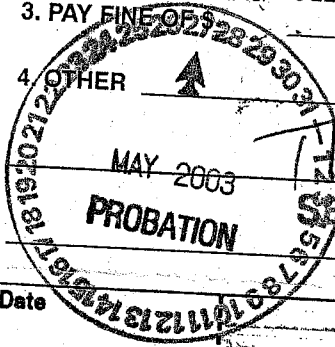
City of Montgomery vs WILBUR LEON SMITH (SSN: 421-15-8017)		12/30/2002	Docket No. 2002CRA009313A
Street Address 4811 WINDYWOOD CT APTB		Date of Birth 04/18/1969	
City, State, ZIP MONTGOMERY AL 36108		Sex M	Race B
Offense 06L(03) DOMESTIC VIOLENCE 3RD (HARASSMENT)			
Date of Arrest 12/28/2002	Officer TONYA HALE	DOMESTIC VIOLENCE	
Bondsman			

First Appearance 12/30/2002	Type of Plea <i>cc</i>	Findings <i>cc</i>	Bond Amount 0.00
UPON HEARING THE EVIDENCE IN THIS CASE, THE DEFENDANT IS AD- JUDGED GUILTY AND IS ORDERED TO:			Date of Disposition MAY 27 2003

1. SERVE 180 DAYS IN JAIL, SUSPEND 120 DAYS
 2. SERVE OF \$ DAYS IN JAIL, SUSPEND DOLLARS, PLUS COURT COST \$ DAYS AND PAY FINE
 3. PAY FINE OF \$ DOLLARS, PLUS COURT COST \$ 191.00

JUDGE, CITY OF MONTGOMERY

DEFENSE COUNSEL

SEE SUMMARY ACTION SHEET
FOR ADDITIONAL ORDERS

Actions, Judgements, Case notes

Δ reports no prior DV case.

DEC 30 2002

*C9 plea, 350.00 fine & EVEN
unsuccessful*

MAY 13 2003

*D in CT today. Given new EVEN
sheet. Rev August 12 1PM**No Excuses Complete 9 of 18 classes*

MAY 27 2003

*Pay 191.00 by 8/12
D back on court for repeat DV. No
further EVEN requirement. D to have
no further contact with victim**TP AUG 28*

CASE ACTION SUMMARY
MONTGOMERY MUNICIPAL COURT

(21)

City of Montgomery vs WILBUR LEON SMITH (SSN: 421-15-8017)		arrested 4-18-03	04/21/2003	Docket No.
Street Address 19 JACK ST		Date of Birth 04/18/1969	2003CRA002841A	
City, State, ZIP MONTGOMERY AL 36116		Sex M	Race B	
Offense 06L(03) DOMESTIC VIOLENCE 3RD (HARASSMENT)				
Date of Arrest 04/11/2003	Officer TONYA HALE			
Bondsman		Bond Amount 0.00		

DOMESTIC VIOLENCE

First Appearance 04/21/2003	Type of Plea 6	Findings 6	Date of Disposition 4-21-03
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UPON HEARING THE EVIDENCE IN THIS CASE, THE DEFENDANT IS ADJUDGED GUILTY AND IS ORDERED TO:

1. SERVE 30 DAYS IN JAIL, SUSPEND 28 DAYS
2. SERVE _____ DAYS IN JAIL, SUSPEND _____ DAYS AND PAY FINE OF \$ _____ DOLLARS, PLUS COURT COST \$ _____
3. PAY FINE OF \$ _____ DOLLARS, PLUS COURT COST \$ 191

4. OTHER Credit for time served.

SO ORDERED

JUDGE, CITY OF MONTGOMERY

DEFENSE COUNSEL

SENTENCE IS SUSPENDED ON CONDITION THAT DEFENDANT COMPLETE THE E.V.E.N. PROGRAM AND PAY THE FINES AND COURT COSTS ON OR BEFORE THE REVIEW DATE

REVIEW DATE IS:

Date _____ Actions, Judgements, Case notes

4-21-03 Set for EVEN review 120 days
Consideration to committed to day delay in
attending EVEN
SEE SUMMARY ACTION SHEET
FOR ADDITIONAL ORDERS

SENTENCE SERVED

~~CLOSED OUT~~

8-26-03 Review TP

Deft was not signed up for ppb before
being released

11-4-03 A has been incarcerated since being ordered
to EVEN. Set next review in
June 04. Give fresh start for EVEN.
6-29-04

DOMESTIC VIOLENCE

DAYS IN JAIL SUSPEND
DOLLARS, PLUS COURT C
DOLLARS, PLUS C

MAY 2003

PROBATION

DEFENSE COUNSEL

MAY 27 2003 1 120

(4),

IN THE MUNICIPAL COURT OF MONTGOMERY
MONTGOMERY COUNTY, ALABAMA

The State of Alabama

Docket# 03CRA002841A

vs.

Wilbur Leon Smith

Offense: Domestic Violence

MODIFICATION OF SENTENCE

Whereas, on the 14th day of November, 2003, the defendant was before the Court and entered a plea of guilty or was found guilty of Domestic Violence and the court by proper order sentenced the defendant to serve a sentence of 4 months probation, \$30 monthly probation supervision fee, and \$88 monthly Fine payment.

Now therefore, it is ordered that the probated sentence be modified in the following particulars; that the defendant's probated sentence be extended an additional twelve months (February 14, 2005), all other conditions to remain in effect.

So ordered this 10th day of February, 2005.



Judge

City of Montgomery Municipal Court

in demeanor)

Wilbur Leon Smith - 421-15-8017**DEPOSITION**

Warrant Number

2003-2650

Case Number

COURT OF MONTGOMERY, ALABAMA
(Name of Municipality or County)☒ MUNICIPALITY OF MONTGOMERY

, Defendant

STATE THE FOLLOWING INFORMATION ON THE ACCUSED

s License Number		Date of Birth	Age	Race	Sex	
		<u>04-18-1969</u>	<u>34</u>	<u>B</u>	<u>M</u>	
<u>IK</u>	Eyes <u>Bro</u>	Complexion <u>DrK</u>				
City		State	Zip			
		<u>Montgomery</u>	<u>AL</u>	<u>36116</u>		
City		Employer's Telephone Number				
City		State	Zip			

STATE THE FOLLOWING INFORMATION ON THE OFFENSE(Assault 3rd)0145 hrs.Montgomery, AL 36116anya Sanders

es

☐ NoType: Wooden table leg.in to the head, swollen lips, bruise on the arm, stab wound/stomach

and time, this unit #308 (P. Srichanthavong) responded to
ie to a Domestic Violence call. Upon arrival inside the
anya Sanders who was the victim had received a laceration to her
Victim stated that her boyfriend who was a repeated offender
ed her with a wooden table leg and fist for no reasons while
e victim received laceration to the left temple. Swollen mouth.

I Wilbur Leon Smith 421-15-8411 - A236111

have been working on this appeal from 2003 ~ all my legal paper have been Turn Down it's something need to be Done about this please. please.

I no you may say it too late but I Try I Try nobody help me with this matter of Double Jeopardy with City and County case I understand I was not Sentence under the assault with County but I ask why held me so I didn't poss bail thats what I ask of Double- Jeopardy you can't hold me Twice City and County same charged with in 24 hours why did Tracey McCoey switch my name I Doubt no I am a Alias now.

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2007 SEP 26 A 10:19

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

My name is
Wilbur Leon Smith

RE CR-2003-1732-CC-2003-1419

Mail to I inmate
A236111 Chappell, Leon
Rt. 2 Box 176 Hwy 80
Union Town Alabama 36786
Alpha 3 Bed # 57

9-25-07~

please help me back to court.